



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

March 7, 1957

Honorable Dwight Whitwell
County Attorney
Collin County
McKinney, Texas

Opinion No. WW-53
Re: Legality of consumption
of alcoholic beverages
in dry areas of Collin
County.

Dear Mr. Whitwell:

Your letter of February 14th, 1957, in which you request an opinion of whether the consumption of alcoholic beverages in a public place in a dry area during the daylight hours is a violation of the Texas Liquor Control Act, has been duly received.

You are advised that no distinction is made in the Texas Liquor Control Act between consumption of alcoholic beverages in a public place in wet areas and dry areas. The consumption of alcoholic beverages is covered by Section 4 (c) of Article 1 of the Texas Liquor Control Act, being Article 666-4 (c), Penal Code of Texas. This article makes it unlawful for any person to consume any alcoholic beverage in any public place, or for any person to possess any alcoholic beverage in any public place for the purpose of consuming same in such public place at any time on Sunday between the hours of 1:15 A.M. and 1:00 o'clock P.M., and on all other days at any time between the hours of 12:15 A.M. and 7:00 o'clock A.M.

Insofar as the consumption of such alcoholic beverages is concerned, the consumption of such alcoholic beverages is not prohibited except during the times specified, whether it be in a dry area or a wet area.

Your attention is called, however, to the provisions of the Texas Liquor Control Act relative to transportation of alcoholic beverages, Article 666, Sections (4) (a), (4) (b) and Section (23) (a) and the cases of Walton v. State, 163 S.W. 2d 203, and Hess v. State, 168 S.W. 2d 251. See also

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Wilson v. State, 251 S.W. 2d 888, Wideman v. State, 212 S.W.2d 177, and Ponder v. State, 265 S.W.2d 836. These cases are authority for the proposition that the transportation of alcoholic beverages for personal consumption from a place where the sale thereof is legal to a place where the possession thereof is legal, contemplates only one trip of transportation. Hence, if alcoholic beverages are purchased for personal consumption in a wet area where the sale is legal and transported to a dry area where the possession is legal, there is no violation of law. If, however, later, and after the trip from the wet area to the dry area is completed, the purchaser transports the beverage to another place, there is an illegal transportation of beverages.

SUMMARY

It is not a violation of the law to consume alcoholic beverages in a public place in either a dry area or a wet area except on Sunday between the hours of 1:15 A.M. and 1:00 o'clock P.M. and on all other days between the hours of 12:15 A.M. and 7:00 o'clock A.M.

Yours very truly,

WILL WILSON
Attorney General

By

J. W. Wheeler
Assistant

JWW:ms

APPROVED:

OPINION COMMITTEE
H. Grady Chandler
Chairman